

**U.S. DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL MARKETING SERVICE**  
**SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE**

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
*(Instructions and information collection burden statement on reverse)*

*The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.*

*Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).*

1. NAME OF OWNER		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME		3. VARIETY NAME	
4. ADDRESS <i>(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)</i>		5. TELEPHONE <i>(include area code)</i>		<b>FOR OFFICIAL USE ONLY</b>	
				PVPO NUMBER	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION <i>(corporation, partnership, association, etc.)</i>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION		6. FAX <i>(include area code)</i>	
				9. DATE OF INCORPORATION	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. <i>(First person listed will receive all papers)</i>				<b>F E E S</b>	
				FILING AND EXAMINATION FEES: \$ DATE	
11. TELEPHONE <i>(Include area code)</i>		12. FAX <i>(Include area code)</i>		<b>R E C E I V E</b>	
				CERTIFICATION FEE: \$ DATE	
14. CROP KIND <i>(Common Name)</i>		16. FAMILY NAME <i>(Botanical)</i>		13. E-MAIL	
15. GENUS AND SPECIES NAME OF CROP		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input type="checkbox"/> NO		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? <b>(OPTIONAL)</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO  IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION. _____	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)  a. <input type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety  b. <input type="checkbox"/> Exhibit B. Statement of Distinctness  c. <input type="checkbox"/> Exhibit C. Objective Description of Variety  d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety <i>(Optional)</i>  e. <input type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership  f. <input type="checkbox"/> Voucher Sample <i>(2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)</i>  g. <input type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" <i>(Mail to the Plant Variety Protection Office)</i>				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? <i>(See Section 83(a) of the Plant Variety Protection Act)</i>  <input type="checkbox"/> YES <i>(If "yes", answer items 21 and 22 below)</i> <input type="checkbox"/> NO <i>(If "no", go to item 23)</i>	
				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?  <input type="checkbox"/> YES <input type="checkbox"/> NO  IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?  <input type="checkbox"/> YES <input type="checkbox"/> NO  IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. <i>(Please use space indicated on reverse.)</i>				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?  <input type="checkbox"/> YES <input type="checkbox"/> NO  IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.  <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED <i>(If additional explanation is necessary, please use the space indicated on the reverse.)</i>	
				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT <i>(PLANT BREEDER'S RIGHT OR PATENT)?</i>  <input type="checkbox"/> YES <input type="checkbox"/> NO  IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. <i>(Please use space indicated on reverse.)</i>	
<p>25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.</p> <p>The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.</p> <p>Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.</p>					
SIGNATURE OF OWNER			SIGNATURE OF OWNER		
NAME <i>(Please print or type)</i>			NAME <i>(Please print or type)</i>		
CAPACITY OR TITLE		DATE		CAPACITY OR TITLE	
DATE		CAPACITY OR TITLE		DATE	

*(See reverse for instructions and information collection burden statement)*

## INSTRUCTIONS

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (*See Section 97.6 of the Regulations and Rules of Practice.*) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**Plant Variety Protection Office**

**Telephone: (301) 504-5518**

**FAX: (301) 504-5291**

**Homepage:** <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

## ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
(2) the details of subsequent stages of selection and multiplication;  
(3) evidence of uniformity and stability; and  
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;  
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (*See Regulations and Rules of Practice, Section 97.103.*)
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

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**22. CONTINUED FROM FRONT** (*Please provide a statement as to the limitation and sequence of generations that may be certified.*)

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**23. CONTINUED FROM FRONT** (*Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.*)

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**24. CONTINUED FROM FRONT** (*Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).*)

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**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (*See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.*)

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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.